

Carnival and Amusement Ride Safety Advisory Board Meeting

May 17, 2007

Board Members Present: William M. Connolly, Chair; William Dauphinee; William Gehlhaus; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Albert Belmont; Nancy Sheridan; William Zumsteg; Carol Kaplan

DCA Staff Present: Cynthia Wilk, Deputy Director; Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Robert Hoban, NJAA; Mark Zeintek, NJ Partyworks; Lary Zucker, NJAA

The meeting was called to order at 10:15 am. Mr. Belmont was introduced as the replacement for Mr. Skelly. He was welcomed by the Board. There was discussion about the status of Judy Mullins. Chairman Connolly reported that Ms. Mullins indicated her desire to resign from the Board though Mr. Connolly was not aware if the Department received her formal letter of resignation. It was also reported later in the meeting that Mr. Dauphinee had left the Philadelphia Toboggan Company and was starting a new ride manufacturing company under the name "Be a Kid Amusements." Therefore, no change to his Board member status has occurred.

Approval of the Minutes of March 15, 2007.

A motion was made by William Gehlhaus seconded by William Zumsteg to accept the minutes of the 3/15/07 meeting. The minutes were approved without change.

C. Old Business

1. Water Park Ride Rule Progress Report – Mr. Rogers reported that the water park subcommittee had completed its work on the draft water park rules. The rules were distributed to the Board for their review and comment at the next Board meeting.

2. Certified Maintenance Technician – Staff reported on the changes that had been made to the proposal as a result of the last Board meeting and the review that was performed by the working group. Staff also reported that they had reviewed the ROAR training material that was submitted and at this time do not feel that it is equivalent to NAARSO or AIMS. It was discussed that the working group preferred to have the requirements for a RCMT for maintenance, testing and inspection all in one section. Staff responded that there are existing sections in the rules for these activities and that the RCMT requirement was fitted into these existing sections.

There was a question about the ability of a company to have a grace period to allow for the replacement of a RCMT in case they unexpectedly left employment. It was decided that this was a reasonable request, since without such a provision the RCMT could have the ride owner in a precarious position if they threatened to quit. In addition if the RCMT became ill or was unable to work for some other reason it would also be disruptive to the ride owners business. The Board agreed that there should be a 60 day period where a ride owner could operate without a RCMT while a replacement was sought.

There was discussion about alternate methods of approving RCMT's rather than the AIMS or NAARSO tests. The committee discussed developing a State test that might be more practicum based. Mr. Connolly responded that this could raise equivalency issues and that such a test would have to be carefully developed and that it would likely be expensive.

There was additional discussion about the need to have an AIMS or NAARSO certification for ride operators who primarily operate and maintain inflatables and simple mechanical rides. Staff reported that one of the difficulties with this was identifying which rides could be covered by this limited training. It was reported that PA has two classes of license. Class 1 is for minor rides and PA has a list or definition that identifies what rides can be looked at by someone with that class of license. There was a question about whether the ROAR training that was submitted is equivalent to the PA class 1 license. The Board suggested that a working committee made up of Mr. Dauphinee, Mr. Gehlhaus and Mr. Belmont and any other interested Board member be formed to review the issues raised about alternatives to the AIMS or NAARSO training. There was no action on the proposal. The working group will submit its recommendations at the next Board meeting.

3. Portable and fixed rides – Staff presented the changes to the proposal that were made after the last Board meeting. These included an allowance that ride wiring and the associated disconnect that distinguishes it from service wiring may extend 20 feet from the ride perimeter rather than the 6 feet included in the original rule proposal. In addition, it was agreed that rather than specifying what wiring method can be used between the service panel and the ride disconnect that the NEC would be referenced. A Board member noted that the definition of “amusement park” used in the proposal was different than the definition contained in the Statute. Staff verified this and agreed that it should be consistent. A Board member discussed that the term “readily racked” in the definition of a “Mobile ride” should be changed to “readily disassembled.” In addition a Board member noted that for a ride to be considered a “Mobile Ride,” the manufacturer would have to consider it as such. Finally, a Board member was concerned that the provision that a permanent facility or park operated for more than 30 days in a 90 day period was too restrictive. The Board member reported that in some cases facilities choose to have events that last a month or perhaps a little longer. The Board agreed to change the proposal to say that a permanent facility is one that is used for more than 60 days in a 90 day period. A motion was made by William Gehlhaus seconded by William Dauphinee to move the amended proposal forward. The committee voted that the proposal be sent to the New Jersey Register with the aforementioned changes.

D. New Business

1. Bonding Certificate – A Board member asked if it was the Department's policy to withhold other inspections when the bonding certificate inspection for water amusement rides has not been performed for the season. Staff reported that it was not and that it would conduct any necessary inspections that it could but that approval cannot be granted without the certificate.

2. Ride Approvals – a Board member asked if a white sticker could be applied to a new ride before the Certificate of Fabrication and Certificate of Erection were received by the Department. Staff clarified that a white sticker is issued when the ride is able to be registered in the state and is eligible for an annual permit. The Department will issue a white sticker with a faxed copy of the Certificate of Fabrication or the Certificate of Erection. A green sticker signifies that the ride is able to be used. A green sticker cannot be issued until the actual Certificate of Fabrication and Certificate of Erection are received.

3. Welding procedures – A Board member noted that the Department has likely amassed a large number of welding procedures related to the repair of amusement rides. The Board member questioned whether the Department would share this information with those performing ride repairs or maintenance. The Staff responded that this information would likely have little value since the welding procedures are drafted to address a specific problem with a specific ride and would vary depending on a number of details including for example, the size and orientation of the crack that was being repaired.

4. Rock Wall Rule Proposal – A Board member asked about the status of the Department's efforts to regulate rock walls. Staff reported that the proposal had been submitted to the Office of Administrative Law to be published. As submitted it would regulate Rock Walls as gravity propelled rides. That means they would only be regulated when operated where other amusement devices are located. A Board member expressed concern that the industry as a whole should be regulated because of the inherent dangers associated with rock walls. Mr. Connolly stated that the Department would draft legislation if the Board felt that Rock Walls should be regulated in all cases. The Board voted to have the Department draft legislation.

E. Information

1. Ride Statistics – Statistics for the period January 1, 2007 through April 30, 2007 were provided for the Board. The Board asked if patron accidents could be broken down by ride type. The Staff reported that it could and would do so in the future. A Board member asked why the number of inspections and the number of permits validated went down this year compared to last. Staff responded that that may be a case of data entry delays because of the time it takes to get data from the field staff and then enter it into the system. A Board member asked what mechanical deficiencies were. Staff reported that they are the equivalent of an ES-3 violation notice, but are issued before the ride is set up. They essentially mean that on the initial inspection that the ride was not ready for

operation. They are not administrative in nature and would be mechanical or electrical problems with the ride.

Public Comment

1. RCMT Training – Lary Zucker stated that it would be beneficial to have outreach and training sessions for the industry on the Recognized Certified Maintenance Technician available.

2. Mr. Zucker asked if there were difficulties complying with the ASTM A46 process. Under the standards there are testing and performance requirements that must be performed on new rides. The purpose of the test is to ensure that the ride as manufactured complies with the standards that were used in its manufacture. The New Jersey Amusement Association was concerned that manufacturers were fulfilling this obligation. Staff reported that they were requiring them as part of the approval process and have been getting them. In some cases they are simply a letter from the manufacturer signed by the manufacturer's representative.

3. A member of the public asked whether people who are caught using unregistered rides are accountable for deficiencies in the same manner that people who operate registered rides are. Staff responded that the fact that the ride is unregistered does not prevent the Department from issuing fines and penalties.

The meeting was adjourned at 12:33 pm.